

Judge issues stay in Alba well case

• *"Fantastic!" says FOJ president, with caution*

BY LINDA GALLAGHER

BELLAIRE-In a decision lauded by area environmentalists, at the request of all parties involved 13th Circuit Court Judge Thomas Power placed an indefinite stay on the Alba well court case last Friday in Traverse City.

The stay, which effectively stops the civil court case filed last October by Antrim County, Star Township, and the Friends of the Jordan environmental group against the Beeland Group, a CMS Energy subsidiary, also means that a moratorium on Beeland's plans to drill a deep injection well for the disposal of contaminated cement kiln dust leachate from a posh Petoskey area development built on the site of an abandoned cement plant will be continued.

"Fantastic!", Friends of the Jordan president John Richter, an East Jordan veterinarian, said Monday morning of the stay. "Hopefully, this is permanent, and CMS/Beeland will seriously consider a more local solution to the problem of the cement leachate present at Bay Harbor,

something we have asked them to consider from the very beginning."

Richter said that he believed the stay, which was requested by Beeland, came after the subsidiary came under pressure from the federal Environmental Protection Agency and Michigan's Department of Environmental Quality. "We had been poised to take the next step, which would have been to trial on November 4, but after a recent meeting in Petoskey held on August 5 between Beeland and both of those agencies, as well as other stakeholders, there was a real change in the wind," he said.

But there was an air of caution in Richter's voice, and a reserve echoed by the group's Gaylord legal counsel, well-known environmental attorney Susan Hlywa Topp, who when contacted Monday said she was in the process of drafting the order for the stay.

"This stay will effectively freeze the case where it is right now," Topp said. "And that's where it will stay until a party requests that it be lifted upon

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motion through the court and a subsequent public hearing."

In a public statement, the group said, "This is a win for our great northern Michigan rivers and for the people in northern Michigan. All parties can now come together to participate in finding a long term solution to the problems at Bay Harbor. Because the scope of the problem is so large, lasting over generations, the cooperation of all parties in moving toward a solution is critical."

Richter reiterated Friends of the Jordan's appreciation of Antrim County in the case, in which Prosecutor Charles Koop participated as co-counsel. "We are deeply indebted to Antrim County for hanging in there with

us in this case," he said. "The Board of Commissioners and the people of Antrim County deserve a great deal of lot of credit for fighting for what's best for our watersheds."

A number of fund raisers

planned to assist Friends of the Jordan with legal expenses incurred during the ten months of the court case will go on as planned, beginning with a pig roast scheduled for this weekend.